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# **SPECIFICATIONS**

FOR

DESCRIPTIONS OF TRACTS OF LAND

FOR USE IN EXECUTIVE ORDERS

AND PROCLAMATIONS

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REVISION OF 1942

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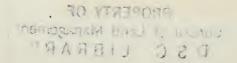
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UNITED STATES
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WASHINGTON: 1943

This revision of "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations" issued in 1931 and reprinted in 1941 is published through the cooperation of the Commissioner of the General Land Office, United States Department of the Interior.

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# INTRODUCTION

In 1930 the Department of State requested the Federal Board of Surveys and Maps to prepare rules and specifications for descriptions of tracts of land appropriate for use in Executive orders and proclamations. The preparation of these specifications was undertaken by the following members of the Board's Committee on Cadastral Surveys:

- A. D. Kidder, General Land Office, Chairman;
- S. W. Boggs, Department of State;
- C. H. Squire, Forest Service;
- W. T. Paine, General Land Office.

The original edition, entitled "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations," was completed and published in 1931, and reissued, with some corrections as to procedure, in 1941.

The functions connected with the preparation and presentation of Executive orders and proclamations, formerly performed by the Department of State, are now carried on by the Division of the Federal Register, the National Archives, under the provisions of the Federal Register Act, approved July 26, 1935. This has introduced certain changes in procedure and requirements and has rendered inapplicable some of the material contained in the first edition. Further experience in the use of the specifications during the ten-year period which has elapsed since their first publication has indicated the need for additional explanatory text and examples.

A general revision of the publication was, therefore, found advisable, and the work was undertaken in 1940, 1941 and 1942 by the following members of the Board's Committee on Cadastral Surveys and Maps:

- W. H. Richards, General Land Office, Chairman;
- S. W. Boggs, Department of State;
- J. E. Burch, Forest Service;
- H. C. Mitchell, U. S. Coast and Geodetic Survey;
- P. A. Rosendorn, Bureau of Reclamation;
- J. M. Stewart, Office of Indian Affairs.

The revision was nearly complete on March 10, 1942, when the functions of the Federal Board of Surveys and Maps were transferred to the Director of the Bureau of the Budget by Executive Order No. 9094. The completion of this work and the publication of this edition were carried out at the request of the Bureau of the Budget.

# EXECUTIVE ORDER

REGULATIONS GOVERNING THE PREPARATION, PRESENTATION, FILING, AND DISTRIBUTION OF EXECUTIVE ORDERS AND PROCLAMATIONS

By virtue of and pursuant to the authority vested in me by the Federal Register Act, approved July 26, 1935 (49 Stat. 500), and as President of the United States, I hereby prescribe the following regulations governing the preparation, presentation, filing, and distribution of Executive orders and proclamations:

- 1. Proposed Executive orders and proclamations shall be prepared in accordance with the following requirements:
  - (a) A suitable title for the order or proclamation shall be provided.
- (b) The authority under which the order or proclamation is promulgated shall be cited in the body thereof.
- (c) Punctuation, capitalization, orthography, and other matters of style shall conform to the most recent edition of the Style Manual of the United States Government Printing Office.
- (d) The spelling of geographic names shall conform to the most recent official decisions made pursuant to Executive Orders No. 27–A, of September 4, 1890, No. 399, of January 23, 1906, and No. 6680, of April 17, 1934.
- (e) Descriptions of tracts of lands shall conform, so far as practicable, with the most recent edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations", published by the Federal Board of Surveys and Maps.<sup>1</sup>
- (f) Proposed Executive orders and proclamations shall be type-written on paper approximately 8 by 12½ inches, shall have a left-hand margin of approximately 2 inches and a right-hand margin of approximately 1 inch, and shall be double-spaced, except that quotations, tabulations, or descriptions of land may be single-spaced.
- 2. The proposed Executive order or proclamation shall first be submitted to the Director of the Bureau of the Budget. If the Director of the Bureau of the Budget approves it, he shall transmit it to the Attorney General for his consideration as to both form and legality. If the Attorney General approves it, he shall transmit it to the Director of the Division of the Federal Register, the National Archives. If it conforms to the requirements of paragraph 1 hereof, the Director of the Division of the Federal Register shall transmit it and three copies

<sup>&</sup>lt;sup>1</sup>This publication was issued in 1931 and reprinted in 1941. The functions of the Federal Board of Surveys and Maps were transferred to the Director of the Bureau of the Budget by Executive Order No. 9094, dated March 10, 1942.

thereof to the President. If it is disapproved by the Director of the Bureau of the Budget or the Attorney General, it shall not thereafter be presented to the President unless it is accompanied by the statement

of the reasons for such disapproval.

3. If the order or proclamation is signed by the President, the original and two copies thereof shall be forwarded to the Director of the Division of the Federal Register for appropriate action in conformity with the provisions of the Federal Register Act: Provided, however, That the seal of the United States shall be affixed to the originals of all proclamations prior to such forwarding. The Division of the Federal Register shall cause to be placed upon the copies of all Executive orders and proclamations the following notation, to be signed by the Director or by some person authorized by him: "Certified to be a true copy of the original." The Division of the Federal Register shall number and shall supervise the promulgation, publication, and distribution of all Executive orders and proclamations.

4. The Division of the Federal Register shall cause a limited number of copies of the Executive orders and proclamations not required or authorized to be filed and published under the provisions of the Federal Register Act to be made available in slip form to the appro-

priate agencies of the Government.

5. The Division of the Federal Register shall file in the National Archives the originals of all Executive orders and proclamations.

6. The signed originals and copies of all Executive orders and proclamations heretofore promulgated and now in the custody of the Department of State shall be transferred to the National Archives.

7. Nothing in this order shall be construed to apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President.

8. This order shall become effective on March 12, 1936, and shall thereupon supersede Executive Order No. 6247, of August 10, 1933.

FRANKLIN D ROOSEVELT

THE WHITE House,

February 18, 1936.

[No. 7298]

# **EXECUTIVE ORDER 9146**

AUTHORIZING THE SECRETARY OF THE INTERIOR TO WITHDRAW AND RESERVE PUBLIC LANDS

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, and as President of the United States, I hereby authorize the Secretary of the Interior to sign all orders withdrawing or reserving public lands of the United States, and all orders revoking or modifying such orders: Provided, that all such orders shall have the prior approval of the Director of the Bureau of the Budget and the Attorney General, as now required with respect to proposed Executive Orders by Executive Order No. 7298 of February 18, 1936, and shall be submitted to the Division of the Federal Register for filing and publication: Provided, further, that no such order which affects lands under the administrative jurisdiction of any executive department, other than the Department of the Interior, shall be signed by the Secretary of the Interior without the prior concurrence of the head of the department or agency concerned.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE, *April* 24, 1942.

# APPLICABLE TO ALL DOCUMENTS FILED WITH FEDERAL REGISTER

The requirements of paragraph 1 of Executive Order No. 7298 are made applicable to all documents required to be filed in the Office of the Director of the Division of the Federal Register for publication by Section 2.5 of the Federal Register Regulations, effective August 26, 1941.

4

# Chapter I

# GENERAL CONSIDERATIONS

#### PURPOSE

Executive orders and proclamations containing descriptions of land are usually designed to reserve and set apart certain tracts or areas owned or controlled by the Federal Government for specified public uses or purposes. Initial action is ordinarily taken by the bureau or agency exercising administrative control or jurisdiction over the land.

A proclamation is usually an announcement by the President issued to carry out the provisions of an act of Congress. Proclamations are usually of wider public application than Executive orders, as thelatter are usually confined to affairs of government. All proclamations are published in the United States Statutes at Large; proclamations and Executive orders are published in the Federal Register under the provisions of the act of July 26, 1935 (49 Stat. 500).

The large permanent reservations are ordinarily established by proclamation, while Executive orders usually involve a more limited and particular purpose and often are of a temporary character. Preliminary to the establishment of a permanent reservation by proclamation, it is frequently found desirable to withdraw temporarily the public lands involved for examination and classification. Subsequent modification of the boundaries of such a reservation may become necessary. The general practice is to accomplish these purposes by Executive order or Public Land order.

In some cases the authorizing legislation specifies the manner in which the action shall be taken. The national monuments are established by proclamation, as required by the act of June 8, 1906 (34 Stat. 225). The national forests are established by proclamation under the provisions of the act of March 3, 1891 (26 Stat. 1103), except in those States where their creation other than by act of Congress is prohibited. If not specified by statute, the accepted practice should be followed.

#### AUTHORITY

The President has the power to reserve or withdraw lands owned or controlled by the Federal Government for public purposes. In

<sup>&</sup>lt;sup>1</sup>By Executive Order No. 9146, dated April 24, 1942, the Secretary of the Interior was authorized to sign all orders withdrawing or reserving public lands of the United States and all orders revoking or modifying such orders. Such orders are designated "Public Land Orders" and are prepared in accordance with the requirements of paragraph 1 of Executive Order No. 7298, dated February 18, 1936.

the case of Crisar v. McDowell (6 Wall. 381) the United States Supreme Court stated:

From an early period in the history of the government it has been the practice of the President to order, from time to time, as the exigencies of the public service required, parcels of land belonging to the United States to be reserved from sale and set apart for public uses. The authority of the President in this respect is recognized in numerous acts of Congress.

See also United States v. Midwest Oil Co. (236 U.S. 459).

The act of June 25, 1910 (36 Stat. 847), as amended by the act of August 24, 1912 (37 Stat. 497), generally referred to as the Withdrawal Act, reads in the part pertinent to the present subject as follows:

That the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale or entry, any of the public lands of the United States including the District of Alaska and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reservations shall remain in force until revoked by him or by an Act of Congress.

Sec. 2. That all lands withdrawn under the provisions of this Act shall at all times be open to exploration, discovery, occupation, and purchase, under the mining laws of the United States so far as the same apply to metalliferous

minerals, oil, gas and phosphates: \* \* \*

In an opinion dated June 4, 1941 (40 Op. A. G. 20), the Attorney General approved the legality of a proposed Executive order withdrawing under the general authority of the President certain public lands for a permanent reservation freed of the operation of the mining laws. He held that the act of June 25, 1910, supra, expressly authorized the President to make temporary withdrawals of public lands for certain public purposes contemplated by that act subject to the mining laws but "that the power of withdrawal and reservation for permanent public uses, properly exercised, remains and is independent of the Withdrawal Act of 1910, \* \* \*."

#### PREPARATION AND REVIEW

Drafts of proposed orders should be carefully prepared with proper regard for established good usage as to terminology, phraseology, punctuation, arrangement, and paragraphing. The description of the tract or tracts of land involved should be technically competent, definite, and susceptible of only one interpretation. It should furnish sufficient information for the identification of the land on the ground.

The originating bureau or agency is responsible for the authenticity and accuracy of the data upon which the land descriptions are based. Field notes and plats of the basic surveys or copies of deed records, together with maps or diagrams showing the lands referred to, should be available for consultation and reference.

Land descriptions should be reviewed by an officer qualified to pass upon the technical sufficiency and form thereof, who has access to the basic survey data and other records from which the draft of the proposed order was prepared. The review should also take into consideration the acceptability and practicability of the boundaries from the standpoint of the administrative agency.

#### TYPES OF DESCRIPTIONS

Descriptions of land in Executive orders and proclamations are of two general types:

(a) Those cases where the location and limits of a tract or tracts are described in specific terms by naming its boundaries; generally termed a metes-and-bounds description.

(b) Those cases where the lands are described by reference to designated subdivisions based upon surveys of official character and shown upon plats or maps filed in a public office of record.

The type first mentioned is discussed in Chapter IV.

# DESCRIPTION BY REFERENCE TO OFFICIAL RECORDS

The second type of description referred to in the preceding paragraph was considered by the United States Supreme Court in the case of *Cragin* v. *Powell* (128 U. S. 691, 696), from which the following is quoted:

It is a well settled principle that when lands are granted according to an official plat of the survey of such lands, the plat, itself, with all its notes, lines, descriptions, and land marks, becomes as much a part of the grant or deed by which they were conveyed, and controls so far as limits are concerned, as if such descriptive features were written out upon the face of the deed or grant itself.

This fundamental principle finds wide application in the description of lands located in the original public domain and surveyed under the rectangular system of surveys. Because of the large volume of Executive orders and proclamations involving lands in the public-land States, Chapter III is devoted to the land descriptions, based on the official plats of that system.

This type of description is also used in connection with other kinds of official surveys by specifying designated subdivisions of such surveys, which are shown upon plats filed in a public office of record. For example, parcels may be described by lot and block number of a city or townsite subdivision, based upon a properly identified official plat.

Descriptions based on recorded plats and maps of the character just referred to by designation of subdivision shown thereon should identify the particular plat or map by title and date, giving the name and location of the place of record as well as the approving or certifying authority.

# Chapter II

# FORM AND ARRANGEMENT

Executive Order No. 7298 of February 18, 1936, under Section one, prescribes certain requirements in connection with the preparation of Executive orders and proclamations. The following suggestions relative to the form and arrangement of such documents should also be followed.

## 1. Titles

The title should indicate, in two or three lines: (a) either the purpose or the content of the document, and (b) the geographic locality of the area, as the State or Territory, with further details of location whenever appropriate, if they can be briefly indicated.

The titles of Executive orders and proclamations are usually arranged in three or more lines in capital letters, with no periods at the ends of the lines. The following examples show that in a proclamation the order of the lines of the title is the exact reverse of that in an Executive order:

(a) EXECUTIVE ORDER

RESERVING A TRACT OF LAND FOR USE BY THE DEPARTMENT OF COMMERCE AS A BEACON SITE

#### WASHINGTON

(b) ROCKY MOUNTAIN NATIONAL PARK--COLORADO

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

# 2. Executive Orders

(a) The initial paragraph begins with the citation of authority. The form to be used is shown in paragraph 3 (c).

(b) The date paragraph at the end of the order is placed to the left. The arrangement, punctuation, and capitalization should conform to the following example:

THE WHITE HOUSE,
May , 1942.

# 3. Proclamations

A proclamation is written in more formal style than an Executive

order. The following points should be noted:

(a) The initial and immediately succeeding paragraphs which state the reason and purpose of the action customarily begin with the lead word

# WHEREAS,

(b) The paragraph announcing the action begins as follows with capitalization and punctuation as indicated:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America,

(c) The citation of authority is usually given in the same paragraph, immediately after the title. The following form should be followed:

(d) Preceding the date paragraph, the following introductory sentence is used:

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

(e) The date paragraph is so typed as to permit the placing of the seal. The arrangement and phraseology is as follows:

DONE at the city of Washington this day

of (month), in the

year of our Lord

nineteen hundred

and forty-two,

and of the

Independence

of the United

States of America

the one hundred and

sixty-seventh.

By the President:

Secretary of State

# Chapter III

# THE PUBLIC LAND RECTANGULAR SURVEYS

#### TERMINOLOGY

That part of the United States acquired by the Federal Government by cession from the States, treaty and purchase, now embraced in the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming, and the Territory of Alaska, comprised the original public domain. The rectangular system of surveys has been extended or is now in progress over this area as the basis for the identification, administration, and disposal of the public lands.

Description of lands within the scope of the public-land rectangular surveys should conform to the accepted nomenclature of that system, citing the name of the proper reference meridian, the appropriate township and range numbers and, where necessary, the section and sectional subdivisions shown upon the official plats of survey. Each reference meridian has its own base line; and, therefore, the words "and base line" are usually omitted. The name of the reference meridian should be spelled in full. If the lands have not been surveyed, the description should conform to the legal subdivisions that will, when established, include the lands.

The Manual of Instructions for the Survey of the Public Lands of the United States (Edition of 1930), published by the General Land Office, gives a detailed description of the rectangular system of surveys and nomenclature. On page 138 of that publication is a table showing the principal meridians and base lines. (See map facing page 31 showing these lines and areas governed thereby.)

The township approximately six miles square, containing 36 sections, each one mile square, numbered from 1 to 36, according to the plan shown in Fig. 1, is the unit of survey. The section lines are usually surveyed from south to north and from east to west, with any excess or deficiency placed against the north and west boundaries of the townships.

The section is subdivided into quarter sections by straight lines, connecting established quarter-section corners on opposite boundaries. This unit is usually designated by symbol in tabular descriptions

(NW½ sec. 10; SE½ sec. 22). The 40-acre unit, resulting from the subdivision of quarter sections into quarter-quarter sections, is designated by symbol, as NW½NE½ sec. 10; SE½NW½ sec. 22. Occasionally the quarter-quarter section is further subdivided into its aliquot parts by mid-point subdivision. The resulting 10-acre unit is designated by symbol as NE½NW½SW½ sec. 22.

Contiguous units may be combined. For example, if both  $NW\frac{1}{4}$  sec. 10 and  $SW\frac{1}{4}$  sec. 10 are included, the symbol  $W\frac{1}{2}$  sec. 10 is used.

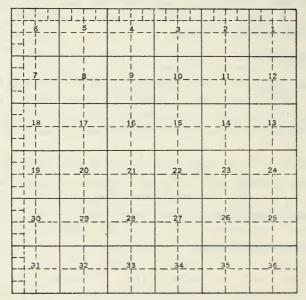


Figure 1.—Showing plan of numbering sections.

Where NE½NW½ sec. 22 and SE½NW¼ sec. 22, are included, the resulting 80-acre unit can be designated E½NW¼ sec. 22. In using symbols, the usual punctuation is omitted. Note that the period is omitted after N, NE, S, SE, etc., and that there is no comma and no space between symbols indicating a quarter-quarter section. (NE¼SE¼ sec. 10).

The fractional units, usually resulting from the subdivision of the quarter sections in the northern tier and western range of sections or developed because of the existence of meanderable bodies of water or irregular boundaries of claims, are designated by lot numbers (lot 1, sec. 4; lot 1, sec. 15).

#### ABBREVIATIONS

The words "township" and "range" and the designations "north" or "south", "east" or "west" are sometimes written in full when used in

the text, but the land description itself should be in tabular form and these terms abbreviated and capitalized where appropriate. The principal abbreviations are as follows:

Township(s)	T., /	Tps.
Range(s)	R.,	Rs.
	sec.,	
	N,	
Northeast	NE.,	etc.

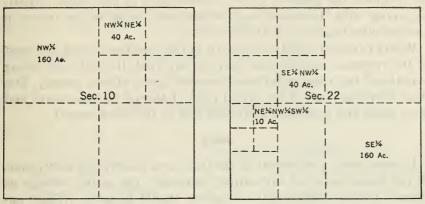


Figure 2.—Showing normal subdivisional units.

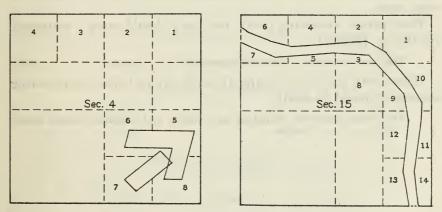


Figure 3.—Showing fractional lots.

Where two or more township units are to be grouped in the description, the plural abbreviation "Tps." should always be used, even though all the townships have the same number north or south of the base line. The term "range" is abbreviated in the singular or plural as the meaning may require, for example:

```
Tps. 3 S., Rs. 16 and 17 W.
Tps. 4 and 5 N., R. 14 W.
Tps. 1, 2, and 3 N., Rs. 6, 7, and 8 W.
478265—42—3
```

#### PREFERRED ORDER

The preferred order of listing is to begin with the lowest-numbered section in each township, giving first the lot numbers in order, then the subdivisions within each quarter section, in the order NE, then the NW, SW, and SE; if parts of the quarter sections are to be described, the same order is to be observed. If several townships are included, the primary order is determined by the range number, beginning with the lowest, and within each range by the township numbers also beginning with the lowest.

Where townships north and south of the base line or east and west of the reference meridian or both are involved, the order of listing is optional but usually follows the order given above; namely, first those north and east of the initial point, followed by those north and west, south and west, and south and east in the order named.

#### AREA

In some cases, a statement of the total area follows the description. If the lands described are entirely surveyed, the actual acreage as shown upon the official plats of survey should be used. Where unsurveyed land is included, the approximate area should be given in even acres.

Descriptions containing public land only should carry a statement reading as follows:

The area (or areas) described aggregates (or aggregate) \_\_\_\_\_ acres.

Where both public and nonpublic lands are included, the following statement should be used:

The areas described, including both public and nonpublic lands, aggregate \_\_\_\_\_ acres.

# EXAMPLES OF DESCRIPTIONS OF LANDS BASED UPON THE PUBLIC LAND RECTANGULAR SURVEYS

# Example No. 1

Fourth Principal Meridian T. 31 N., R. 18 W., sec. 9, SE%.

The area described contains 160 acres.

# Example No. 2

# Fifth Principal Meridian

T. 160 N., R. 66 W., sec. 6, lots 4 to 7, inclusive, SE¼NW¼, and E½SW¼: sec. 7; sec. 17, W½SW¼; sec. 18, NE¼; sec. 20, W1/2NW1/4 and SW1/4.

T. 160 N., R. 67 W., sec. 1, SE1/4.

The areas described aggregate 1,550.18 acres.

#### Example No. 3

## Black Hills Meridian

T. 3 S., R. 1 E., sec. 8, SE1/4; sec. 21;

sec. 28, E½, N½NW¼, and NE¼SW¼;

sec. 31, lots 2 and 4, NW1/NE1/4, NE1/4NW1/4, and SE¼;

sec. 34, W½NE¼, W½, W½SE¼SE¼, and W½SE¼.

T. 5 S., R. 2 E., sec. 17, N1/2;

sec. 22, N½;

sec. 34, N½.
T. 5 S., R. 3 E.
T. 6 S., R. 3 E.,

sec. 4, lots 1, 2, 3, 7, and 8, SW4NE4, S½NW¼, and SE¼; secs. 16, 17, and 18.

The areas described, including both public and nonpublic lands, aggregate 28,184.79 acres.

# Example No. 4

# Salt Lake Meridian

T. 39 S., R. 10 W., sec. 31, lots 4 to 14, inclusive, and lots 19 to 30, inclusive.

T. 40 S., R. 10½ W.,

sec. 1:

sec. 2, unsurveyed.

T. 38 S., R. 11 W.,

secs. 31, 32, and 33.

T. 39 S., R. 11 W.,

secs. 4 to 9, inclusive, and secs. 16 to 21, inclusive, partly unsurveyed;

sec. 24, NE¼ and S½; secs. 25 to 29, inclusive, and secs. 33 to 36, inclusive.

T. 40 S., R. 11 W.,
secs. 2, 3, 4, 9, 10, 15, 16, 21, 22, 27,
28, 33, and 34.
T. 41 S., R. 11 W.,

sec. 4;

sec. 5, E1/2;

sec. 8, NE1/4;

secs. 9, 16, and 21.

T. 38 S., R. 12 W.,

sec. 10, lots 3 to 10, inclusive;

sec. 11, S1/2;

sec. 12,  $S_2$ ; secs. 13, 14, and 15;

sec. 21, E½;

secs. 22 to 28, inclusive;

sec. 29, lot 1 and lots 3 to 8, inclusive;

secs. 33 to 36, inclusive.

T. 39 S., R. 12 W.,

secs. 1 to 4, inclusive, and secs. 9 to 15, inclusive, partly unsurveyed.

sec. 16, E1/2:

secs. 22, 23, and 24, partly unsurveyed.

#### Example No. 5

# Mount Diablo Meridian

T. 45 N., R. 21 E., secs. 1, 2, 4, 6, and secs. 8 to 17, inclusive.

T. 46 N., R. 21 E.,

secs. 20 to 29, inclusive, E½ sec. 30,  $E_2$  sec. 31, and secs. 32 to 36, inclusive.

T. 46 N., R. 22 E., secs. 4 to 9, inclusive, secs. 11 to 14, inclusive, and secs. 16 to 21, inclusive, partly unsurveyed.

T. 45 N., R. 23 E., W%SE% sec. 8, E% sec. 16, W%NE% sec. 20 unsurveyed, W%SW% sec. 28, and secs. 29 to 32, inclusive.

# Example No. 6

# Salt Lake Meridian

Tps. 1, 2, and 3 N., R. 141/2 W., unsurveyed. Tps. 1 to 4 N., R. 15 W., partly unsurveyed. T. 1 S., R. 18 W., secs. 1 to 18, inclusive. Tps. 1 to 5 S., R. 19 W., partly unsurveyed. T. 6 S., R. 19 W., sec. 33 and that part of sec. 34 lying northwest of Snake Creek.

## Example No. 7

# Sixth Principal Meridian

T. 37 N., R. 67 W., secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 33, inclusive. T. 38 N., R. 67 W.,

secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 33, inclusive.

39 N., R. 67 W., secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 33, inclusive. T. 40 N., R. 67 W.,

secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 33, inclusive.

T. 41 N., R. 67 W., secs. 1 to 24, inclusive, and secs. 28 to 33, inclusive.

Tps. 42 to 44 N., R. 67 W.

Tps. 37 to 44 N., R. 68 W. Tps. 38 to 44 N., R. 69 W. Tps. 38 to 43 N., R. 70 W.

T. 44 N., R. 70 W.,

secs. 1, 2, 3, secs. 10 to 15, inclusive. secs. 22 to 27, inclusive, secs. 34, 35, and 36.

# SUBDIVISIONS THAT DO NOT CONFORM TO STANDARD SPECIFICATIONS

In many of the very old surveys under the rectangular system, especially in the southern public-land States, the township subdivisions and the units within the sections do not conform to all the standards shown above, and there are sometimes other complications that must receive special consideration in the preparation of land descriptions. Under such conditions it is advisable to obtain a statement from the General Land Office relative to the appropriate terms to be employed.

# DESCRIPTION BY PERIMETER

The proper form of description for all lands within the scope of the public-land rectangular surveys is the tabular form shown in the preceding examples, using the accepted nomenclature of the system. This form is to be preferred to the perimeter method of description, specifying the boundaries of a tract by the bearings and distances of its perimeter along certain township, section, and minor subdivision lines. The latter is in effect a metes-and-bounds description and necessitates platting the tract before reference can be made to the survey and tract-book records of the General Land Office. The use of the perimeter form of description and variations thereof is discussed in the chapter on Metes and Bounds.

#### ADJUSTMENT TO SUBDIVISIONS OF PUBLIC LAND SURVEYS

Boundaries of lands within the scope of the public-land rectangular surveys should conform to the approved subdivisional surveys whenever practicable. Where withdrawals have been made in advance of survey, the regulations of the Department of the Interior require that if possible a subsequent adjustment be made to the lines of legal subdivision.

"Hereafter, upon receipt of the returns of a survey, the Commissioner of the General Land Office shall cause the tract books in his office to be examined and if it appears that any part of the area stands withdrawn in advance of survey upon any recommendation of any bureau of this or another department, he shall ascertain whether the lands so withdrawn are capable of adjustment by reference to the legal subdivisions shown upon the plats of survey, and if so, upon acceptance of the survey, he will advise the proper local land officers of such adjustment, in order that notation thereof may be made upon their records." (42 L. D. 318.)

# Chapter IV

# METES AND BOUNDS

## DEFINITION OF TERMS

The location and limits of a tract of land may be defined by describing its boundaries; by naming natural or artificial monuments to, from or along which they run; by stating the lengths and directions of the lines connecting successive monuments; or by giving the boundaries of abutting tracts of land.

A monument may consist of an object or mark which serves to identify the location of a line constituting a part of the boundary; it may be either natural such as a river, lake, ledge of rock, tree or ridge; or artificial such as a wall, fence, ditch, marked stone or post.

The type of metes-and-bounds description most commonly used in Executive orders and proclamations is based upon an actual survey of the tract of land involved. The lengths and directions of the lines forming the boundaries are ascertained by the survey and the record thereof describes the monuments marking the corners or angle points. The plat and field notes furnish the data for the description.

If the lines of an adjoining tract of land form a common boundary with the tract in question, the description should note this fact, identifying the adjoining tract by the name of the owner, survey designation, or other appropriate means.

#### DIRECTION OF LINES

The direction of a line in land surveying is generally expressed by giving the angle from the meridian <sup>1</sup> within one of the four quadrants, referred to either the north or the south point as may be appropriate. When so expressed (e. g. N. 70°19′ E.; S. 24°10′ W.), it is called the "bearing" of the line and unless otherwise stated, is to be interpreted as a "rhumb," line—that is, one that maintains a constant angle with the meridian throughout its length.

Occasionally the basic data have been developed in the execution of geodetic surveys and the direction of certain lines may be given by recording the angles which such lines make with the meridian measured clockwise from south. In such cases the lines are generally to be regarded as great circles rather than rhumb lines and the angles referred to are designated as azimuths. At any two points on a great

<sup>1</sup> As defined by the axis of the earth's rotation.

circle, the forward and back azimuths of the line differ by 180° plus or minus the angle of convergence of the meridians passing through the points. Where either forward or back azimuths or both are given, they should be so designated.

#### LENGTHS OF LINES

In land surveying, horizontal distances are generally measured and recorded at the mean elevation of the ground. In some cases a general ground-level datum may be used for an entire survey or group of surveys. However, in geodetic surveys, the horizontal distances are adjusted to sea level.

The unit of measurement employed will usually depend upon the particular class of surveys upon which the description is based. The foot unit is used in many metes-and-bounds surveys and in town-site and city subdivisions; the chain is the linear unit in the public land surveys; and the meter is employed in the cadastral surveys of the Philippine Islands and surveys of similar character. Other units such as the vara and the arpent were employed in the surveys of the Spanish, Mexican and French land grants but slightly different values for these units are found in various localities. Consequently, in using data involving these units, it is necessary to ascertain definite equivalents in terms of the foot or chain units which are to be used in the descriptions. For this purpose, examination should be made of the early surveying records and court decisions.

# CONVENTIONAL SYMBOLS AND ABBREVIATIONS

The conventional symbols for degrees (°), minutes ('), and seconds ('') of arc should usually be employed in giving the direction of lines.

The abbreviations for the units most frequently used are:

Chain(s)	ch.,	chs.
Link(s)	lk.,	lks.
Foet (feet)	ft.	

# SEQUENCE AND CLOSURE

The bearings and distances of the courses connecting the turning points or corners of a tract are usually given in regular order around the perimeter thereof. Each course is written on a separate line and if any corner or course is coincident with a corner or course of another tract, notation should be made of this fact. The final course should note the return to the place or point of beginning.

An exception to the foregoing is found in the description of a tract of specified width on each side of a definitely described center line such as a right of way. In such a case the terminal point as well as the beginning point should be fully identified.

#### POINT OF BEGINNING

The location of a tract of land may be defined by stating its position in relation to established monuments of known position or by stating its geographic position (latitude and longitude). In metesand-bounds descriptions this is generally accomplished by a complete description of the point of beginning. The information furnished should be sufficient to enable a competent surveyor to locate and identify the initial point. Frequently a statement regarding nearby topographic or cultural features or objects is of great value. The general location (State, county, etc.) is usually given in the first part of the Executive order or proclamation and need not be repeated in the description.

If the point of beginning is an established corner of an official survey or is connected by survey to such a corner, the latter should be described by corner and survey number or other appropriate designation without detailed description of the monument itself. The latitude and longitude should be given unless the beginning point is a corner of the public-land rectangular surveys or connected by survey to such a corner.

# NATURAL AND ARTIFICIAL BOUNDARIES

Occasionally the boundaries of a tract are defined entirely or in part by natural monuments, such as streams, lakes, divides, or straight lines connecting prominent features of topography. In such cases it is essential that each boundary be described so definitely and specifically that there is no uncertainty as to its identification.

In the case of a stream or river, the middle of the channel or one bank is usually specified. Facing downstream, the bank on the left hand is termed the left bank and that on the right hand the right bank. Where lakes, large rivers, or tidal waters are involved, the intended elevation or stage of water should be specified, such as low-water mark, mean high-water mark, or mean high tide.

Similarly, in referring to a natural monument such as a divide or peak, or to such permanent artificial monuments as highways, railroads, ditches, the specific line or point intended to be used should be described with sufficient particularity as to be capable of definite identification on the ground.

In connection with the type of boundaries just referred to, it is important that the agency preparing the Executive order or proclamation consider not only the technical sufficiency and form of the description but the feasibility and practicability of the boundary from the viewpoint of proper administration. For example, the selection of a boundary described as paralleling a railroad or highway at a distance of five miles therefrom should be avoided as such a line would be difficult to establish and impracticable from an administrative standpoint.

#### PUBLIC LAND TRACTS BY PERIMETER

The proper form of description for lands within the scope of the public-land rectangular surveys is the tabular form discussed in Chapter III. By using the direct nomenclature of that system, the description can be compared with the tract book and other records of the General Land Office. However, in localities where the public-land surveys are largely incomplete and where it is administratively desirable that part of the boundaries follow natural monuments such as rivers or divides, an exception to the above stated rule is sometimes made. In such situations the land in question may be described in whole or in part by specifying its boundaries around the perimeter thereof as following certain township, section, or minor subdivision lines. The unsurveyed areas are subject to adjustment to the subdivisions shown upon the plats of survey after approval.

## AREA

A statement of the area of the tract usually follows the description and in most cases is expressed in acres. Where justified by the accuracy of the survey, the value should be carried to the nearest hundredth of an acre. Approximate areas should be indicated as such and given in even acres.

#### EXAMPLES OF METES-AND-BOUNDS DESCRIPTIONS

#### Example No. 1

Beginning at corner No. 1, a hemlock post, 4 in. square, 24 in. above ground, located on the Takotna Highway about 1/4 mile southeasterly from its intersection with the left bank of Kuskokwim River and in approximate latitude 62°52' N., longitude 155°40' W. Corner No. 2 of U. S. Survey 999 bears N. 26°59' W., 327.6 ft.

From corner No. 1, by metes and bounds,

- S. 25°43' W., 1900 ft., to corner No. 2;
- S. 57°30' W., 3000 ft., to corner No. 3; S. 32°30' E., 830 ft., to corner No. 4;
- N. 57°30' E., 4000 ft., to corner No. 5;
- N. 25°43' E., 1650 ft., to corner No. 6; N. 34°17' W., 550 ft., to corner No. 7;
- S. 85°38' W., 871.6 ft., to corner No. 1,

the place of beginning.

The tract as described contains 121.66 acres

# Example No. 2

Beginning at corner No. 1, on the south shore of Humboldt Harbor, at mean high tide, in latitude 55°19'12" N., longitude 160°31'07" W., from which U. S. Location Monument No. 1146 bears S. 79°32'51" W., 28.44 chs. distant.

From the initial point,

South, 13.44 chs. to corner No. 2, identical with corner No. 3, U. S. Survey No. 1400;
N. 67°41' E., 15.93 chs. to corner No. 3;
North, 13.44 chs. to corner No. 4 on south shore of Humboldt Harbor at mean high tide;
Thence with meanders of Humboldt Harbor at mean high tide.

- S. 70°26' W., 2.60 chs.,
- S. 0°15' W., 1.50 chs.,
- S. 59°31' W., 1.50 chs.,
- S. 73°02' W., 5.00 chs.,
- S. 75°22' W., 2.50 chs.,
- S. 77°39' W., 3.90 chs. to corner No. 1, the place of beginning. The tract as described contains 18.65 acres.

## Example No. 3

Beginning at the northerly corner of Parcel No. 1 on the boundary of Land Court Application 900, the azimuth (measured clockwise from south) and distance to United States Military Reservation Monument No. 67 is 161°52', 2,352.64 feet, the coordinates of monument No. 67, referred to Government Triangulation Station "Uka" being 5,263.18 feet north and 10,120.63 feet west.

From the initial point by azimuths and distances,

351°54', 1,183.36 feet, along Land Court Application 900 to a point;
161°46'30", 334.59 feet, along the new west side of Kamehameha Highway, to a point;
On a curve to the right, with a radius of 1,969.86 feet, long chord azimuth and distance being 166°39'20"; 335.19 feet, to a point on said highway;

187°44'08", 123.07 feet, along the highway to a point;

On a curve to the left along the highway, with a radius of 1,472.50 feet, long chord azimuth and distance being 179°49'04", 405.68 feet to the point of beginning.

The tract as shown on map No. dated on file in the office of the Department Engineer, , Territory of Hawaii, contains Fort 1,195 acres.

# Example No. 4

Beginning at the confluence of the Chvilnuk and Yukon Rivers in approximate latitude 61°58'15" N., longitude 162°48'20" W.,

Thence northeasterly upstream along the center of Chvilnuk River to its source in the Tundadula Mountains:

Easterly along the summit of the Tundadula Mountains to the source of the Bonasila River;

Southeasterly downstream along the middle of the main channel of the Bonasila River to its junction with the Stuyahok River;

Southerly upstream along the middle of the main channel of the Stuyahok River to a point due west of the source of Mountain Creek;

East to the source of Mountain Creek:

Southerly downstream along the center of Mountain Creek to its junction with Tucker's Slough;

Southerly along the center of Tucker's Slough to its junction with the Yukon River;

Southerly and westerly downstream along the right bank of the main channel of the Yukon River at mean high-water mark to the mouth of the Chvilnuk River and the place of beginning.

The tract as described contains approximately 1,900,000 acres.

# Example No. 5

# Gila and Salt River Meridian

Beginning at the corner of Secs. 5, 6, 31, and 32, Tps. 17 and 18 S., R. 3 W., on the southern boundary of the Papago Indian Reservation; Thence south approximately 5½ miles to the International Boundary between the United States and Mexico:

Northwesterly along the International Boundary to intersection with the position for the third

meridional section line through unsurveyed T. 17 S., R. 8 W.;

North on the third meridional section line through Tps. 17,16, 15, and 14 S., R. 8 W., (unsurveyed), to the point for the corner of Secs. 15, 16, 21, and 22;

East on the third latitudinal section line through Tps. 14 S., Rs. 8, 7, 6, and 5 W., (partly unsurveyed), to the corner of Secs. 13, 18, 19, and 24, Tps. 14 S., Rs. 4 and 5 W., on the west boundary of the Papago Indian Reservation; Southerly along the boundary of the Papago Indian Reservation to the place of beginning.

The area as described contains approximately 330,700 acres, subject to adjustment to lines of public land surveys.

# Example No. 6

A right of way 40 ft. wide, the center line of

which is described as follows:

Beginning at station No. 1, on the boundary between the United States Military Reservation and Land Court application 1000 (amended), from which the azimuth and distance to United States Military Reservation Monument No. 80 is 182°36'40", 6.55 ft.

From station No. 1, by azimuths and distances,

109°55'48'', 444.2 ft. to station No.

159°44'10'', 183.8 ft. to station No.

209°07'56'', 208.3 ft. to station No. 4;

139°02'05'', 414.6 ft. to station No.

173°38'45'', 325.5 ft. to station No. 6;

201°43'50'', 505.9 ft. to station No.

156°57'40'', 435.1 ft. to station No. 8;

186°41'20'', 477.9 ft. to station No. 9;

165°16'45'', 345.4 ft. to station No. 10;

187°43'20'', 1092.1 ft. to station R 1, at the southern intersection of the center of the Honolulu-Waialua road with the Military Reservation boundary between monuments No. 79 and No. 80. and being determined by the following azimuths and distances:

To monument No. 79, 351°53'12'', 2179.0 ft.; To monument No. 80, 171°53'12'', 3930.2 ft.;

The right of way is shown on map No. in the office of the Judge Advocate, Honolulu, Territory of Hawaii, dated , file No.

# Chapter V

## MAPS

#### MAPS TO BE PUBLISHED

Paragraph (k), Section 2.5, of the Federal Register Regulations effective August 26, 1941, applicable to the preparation of documents required to be filed in the Office of the Director of the Division of the Federal Register for publication, provides as follows:

(k) The inclusion of illustrations, maps, forms, and similar material as part of the documents should be avoided wherever possible. Where it is necessary to publish maps and illustrations they shall be reduced to a size not greater than  $7 \times 10$  inches and be line cuts only. In such cases original drawings must be forwarded to the Division with the documents of which they are a part.

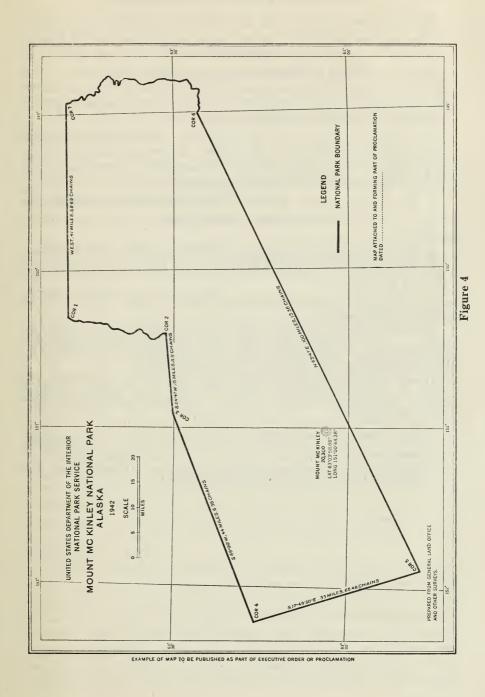
Under some conditions it is essential that a map be incorporated as an integral part of an Executive order or proclamation, either in place of a written description or in addition thereto. Such a map usually has to be reduced for publication in the Federal Register. The scale and detail should be so planned as to be legible when reproduced within the size above specified. The reduction in making the printing plate should not exceed one-third, consequently the drawing should have maximum dimensions of 10.5 x 15 inches.

The following requirements should be observed in the preparation of the map: (See Fig. 4 for example)

- (a) The title should be identical with that of the Executive order or proclamation in so far as practicable.
- (b) The date should be the same as that of the Executive order or proclamation.
- (c) Two or more parallels and meridians, with the latitude and longitude of each, should be shown where the size of the tract warrants; otherwise the latitude and longitude of one point and an orientation arrow should be shown.
  - (d) The map should carry an appropriate graphic scale.
- (e) The lines and lettering should be in black only and legible when reduced for publication.
- (f) The name of the originating bureau or agency, list of sources, and a statement that the map is attached to and forms a part of the Executive order or proclamation should be shown.

The text of the Executive order or proclamation should include a clause, reading substantially as follows:

\* \* \* the boundaries (or tract) shown upon the map attached hereto and made a part hereof \* \* \*



#### MAPS FORMING OFFICIAL SUPPLEMENTS

Where the reduction in scale is so great as to impair the legibility of the map, the publication thereof as an integral part of the Executive order or proclamation should be avoided. In such cases it is preferable to file a full-scale map as an official supplement. The principle that an official plat or map cited in a deed or other document is in fact a part of such document as much so as if incorporated in it, has already been referred to in Chapter I.

This principle may be utilized under the conditions just referred to by the originating bureau or agency. A properly identified map supplement, bearing the certificate of an officer of the bureau or agency, may be placed of record in the files thereof.

A file of maps which serve as official supplements to Executive orders or proclamations should comply with the following requirements:

- 1. The maps should be adequately indexed, classified, and described.
- 2. They should be available for inspection and consultation by interested persons.
- 3. Copies of the maps should be available for sale to the public at uniform listed prices.

Full-scale copies of these maps may be folded and attached to printed copies of Executive orders and proclamations for administrative use or for sale at cost to interested persons.

Where official supplements are used, the text of the Executive order or proclamation should include a statement reading substantially as follows:

The boundaries (or tract) described (or referred to) are shown upon\_\_\_\_\_\_(bureau or agency) map entitled\_\_\_\_\_\_, dated\_\_\_\_\_\_, filed in\_\_\_\_\_\_(place of filing), supplementing this Executive order (or proclamation).

# Chapter VI

# DESCRIPTION BY COORDINATES

The location of a point on the surface of the earth may be accurately described by expressing its position on any well-established system of coordinates.

Two general classes of coordinates are available for such use in the Unitd States: Geographic positions (latitudes and longitudes), and plane-coordinate (x and y) positions which are derived from and are dependent upon geographic positions.

#### GEOGRAPHIC POSITIONS

The United States is covered by a network of triangulation and traverse, which determines the latitudes and longitudes of thousands of marked points, based on a standard geodetic datum known as the North American datum of 1927.

Any survey which is satisfactorily connected with at least two stations, whose positions are known on the North American datum of 1927, may be computed and recorded on that datum.

As this same condition pertains to earliest datums, now superseded by the datum of 1927, it is essential that all computations and recorded values on a geodetic datum be accompanied by a legend identifying the datum used. There is nothing in the form of a geographic position itself to identify it as being on a certain geodetic datum, or, for that matter, as an independent astronomical position.

The use of astronomical methods in determining a geographic position should be avoided, since each individual astronomical position is subject to certain local influences which prevent its direct and accurate coordination with other points determined by such methods. However, astronomical positions may be used in determining a geodetic datum, which, in turn, serves as a base for purposes of computation and record.

Where a boundary is defined by expressing the geodetic latitudes and longitudes of its corners, the forward and back azimuth's and the lengths of the lines forming the boundary should also be given. These data should be arranged in the tabular form generally adopted for such data by the various Federal survey bureaus. The descriptions of the station and corner sites, and of their monuments and marks should follow the table of positions, and be in short paragraphs arranged in the same sequence as the positions. The example

is taken from the report of the International Boundary Commission, United States and Canada, Northwesternmost Point of Lake of the Woods to Lake Superior.

#### STATE PLANE-COORDINATE SYSTEMS

For each State in the Union, the United States Coast and Geodetic Survey has devised a system of plane-rectangular coordinates for the purpose of defining and stating the positions or locations of established monuments and other points with reference to a point of origin. Each such State system comprises one or more zones, each zone having its own plane-rectangular map projection, called a grid, derived from and mathematically dependent upon the North American datum of 1927, which is the standard geodetic datum for the horizontal control survey of the United States. Each grid is defined by naming the spherical map projection on which it is based, stating the geographic position of its origin, and giving its scale relationship to the geodetic datum.

State-wide systems of plane-rectangular coordinates have been approved by statute in New Jersey, Pennsylvania, New York, North Carolina, Maryland, and Massachusetts. The use of coordinates, based upon these or county or municipal systems approved by statute, should be in accordance with the official regulations governing such use. An essential prerequisite to the proper utilization of these systems is the establishment of an adequate number of adjusted control stations.

Where the survey of a tract of land has been connected by an acceptable survey to two monuments whose coordinates on a State system are known, the coordinates on the State system of all corners of the tract can be computed from the grid azimuths and lengths of the boundary lines by the usual methods of latitudes and departures.

Where a boundary is described by stating the plane coordinates of its corners on a State system, appropriate reference to the system used must be incorporated in the description. In a State whose plane-coordinate system has been approved by act of legislature, the official title of the State system should appear in the description, and the statute cited. Example: "Maryland Coordinate System (Chapter 628, Laws of Maryland, 1939)."

Where a description having the form of metes and bounds is supplemented by the addition of the plane coordinates of the land corners on a State grid, it is important that the descriptions show whether the metes and bounds are bearings and distances on the ground, as taken from the grant, survey, or deed records, or grid azimuths and lengths of lines, based upon the State plane-coordinate system.

#### EXAMPLES OF GEOGRAPHIC AND PLANE COORDINATE POSITIONS

## Example No. 1

#### Geographic Positions

Station	Latitude Longitude		Azimuth			Back Azimuth			To station	Distance (meters)
Garden	49 (	, ,, 11 09. 213 52 46. 906 04 50. 694 43 16. 479	0 13 78 55 104 135	27 12 16 44 22	30. 55 34. 23 09. 49 31. 37 46. 03	193 258 235 284 315	23 01 05 25 15	59. 92 05. 64 28. 34 52. 06 34. 65	Miller Stoney Miller Stoney Garden	24, 358, 21 18, 839, 79 21, 013, 87 31, 022, 93 16, 445, 40

GARDEN (Minnesota, Lake of the Woods County; J. J. McArthur, 1913; 1917). On Lake of the Woods, near the middle of the lake, on Garden Island. The station is about one-third mile from the northwest end of the island and is nearer the north shore than the south shore.

Station mark: A bronze disk set in a concrete block.

BIG (Ontario, Kenora District; C. H. Sinclair, 1913; 1917). On Lake of the Woods, on the southwest point of Big Island. The station is on a bare rock about 3½ meters above the lake level. Station mark: A bronze disk set in the solid rock.

#### Example No. 2

#### Plane Coordinate Positions

A tract of land in Cherokee County, State of North Carolina, described as follows:

Beginning at a concrete monument with bronze tablet marked 472-7 in the Corporation Line of the City of , the coordinates of which referred to the North Carolina Coordinate System, are N. 1,470,588 and E. 416,239:

From the initial corner,

- N. 5°33' W., 1304 ft., to a TVA monument;
- S. 89°19' E., 2664 ft., to a TVA monument;
- S. 6°00' E., 1311 ft., to a TVA monument;
- N. 89°11' W., 2675 ft., to the point of beginning.

The tract as described contains 79.6 acres.

The position of monuments and direction of lines are referred to the North Carolina Coordinate System.



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